

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Attorney Docket No. 037267/0138

Applicant: Kanada NAKAYASU

Title: SYSTEM FOR MONITORING CDMA-TYPE MOBILE TERMINAL
AND METHOD OF DOING THE SAME

Serial No. 09/866,796

Filed: May 30, 2001

Examiner: Unknown

Art Unit: 2661

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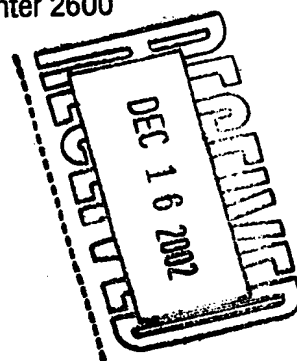
**INFORMATION DISCLOSURE STATEMENT
UNDER 37 CFR §1.56 and 37 CFR §1.97**

Commissioner for Patents
Washington, D.C. 20231

Sir:

Submitted herewith on Form PTO-SB08 is a list of documents known to Applicant in order to comply with Applicant's duty of disclosure pursuant to 37 CFR 1.56. A copy of each listed document is being submitted to comply with the provisions of 37 CFR 1.97 and 1.98.

The submission of any document herewith, which is not a statutory bar, is not intended as an admission that such document constitutes prior art against the claims of the present application or that such document is considered material to patentability as defined in 37 CFR §1.56(b). Applicant does not waive any rights to take any action which would be appropriate to antedate or otherwise remove as a competent reference any documents which is determined to be a prima facie prior art reference against the claims of the present application.



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TIMING OF THE DISCLOSURE

The instant Information Disclosure Statement is believed to be filed in accordance with 37 C.F.R. 1.97(b), prior to the mailing date of a first Office Action on the merits (first scenario). If that is not the case, such as in a second scenario in which a first Office Action on the merits has been mailed before the filing of the instant Information Disclosure Statement, then either a certification or fee is required, and a certification is provided below. If neither of the first or second scenarios is the case, such as if a final Office Action or a notice of allowance has been mailed by the PTO (third scenario), then both a certification and fee are required, and in that case a certification is provided below and also the PTO is authorized to obtain the necessary fee to have the instant IDS considered, from Foley & Lardner Deposit Account #19-0741.

CERTIFICATION

The undersigned hereby certifies in accordance with 37 C.F.R. §1.97(e)(1) that each item of information contained in this Information Disclosure Statement was first cited in a communication from a foreign patent office in a counterpart foreign application not more than three (3) months prior to the filing of this Statement.

RELEVANCE OF EACH DOCUMENT

A translation of a portion of a Japanese Office Action that issued November 5, 2002 with respect to a counterpart Japanese patent application is provided below.

"The invention related to the following claims of this application could have been easily invented by a person having ordinary knowledge in the technical field to which this invention belongs prior to this application based on the inventions described in the following publications issued in Japan or abroad prior to this application, and therefore, a patent cannot be granted pursuant to Japan Patent Law Article 29, Item 2.

Record

(Refer to the List of Cited Literature, etc. for the cited literature.)

Regarding Claims 1 to 4 and 6 to 9
Publications 1 and 2

Remarks

Described in Publication 1 (refer to Fig. 1) is

"A maintenance and monitoring system to maintain and monitor CDMA mobile devices (refer to 'mobile devices 11a to 11m'), provided with

"A CDMA wireless base station system that are connected with the aforementioned CDMA mobile devices in a CDMA wireless circuit (refer to 'base stations 12a to 2n, base station control device 13'),

"a network that is connected by cable to the aforementioned CDMA wireless base station system, (refer to 'LAN 15'), and

"a maintenance and monitoring means that is connected to said network and maintains and monitors the aforementioned CDMA mobile devices (refer to 'integrated maintenance and monitoring device 19')."

Moreover, described in Publication 2 (refer to Figs. 1 and 5) is the fact that

"A maintenance and monitoring means (refer to 'information storage device 40') accesses a mobile device (refer to 'wireless communications terminal device 10') via a wireless base system (refer to 'base station 50, remote maintenance device 20') and a network (refer to 'wire network 30')."

Consequently, a person skilled in the art could easily access a mobile device using the maintenance and monitoring means of Publication 1.

Further, described in Publication 2 is "verification operations are conducted, and leakage of maintained data to third parties is prevented." (Refer to column 2, lines 22 to 23.)

Therefore, the fact that, when accessing the mobile device of Publication 1, well-known verification checks of the CDMA wireless base station system and of the network are conducted, as is done in Claims 2 to 4 and 7 to 9 of the present application, is nothing more than what a person skilled in the art could suitably design.

Claims 5 and 10
Publications 1 to 3

Remarks

It is well-known in Publication 3 (refer to Figs. 2 and 4) that

"The mobile device (refer to 'mobile station device 1') outputs a test connection request, which is a special call request different from an ordinary call, to the wireless base system (refer to 'base station 5')." (Refer to "Dial signal special No. '198' for test connection with control station switching exchange" in Fig. 2.)

List of Cited Literature, etc.

1. Japanese Unexamined Patent Application Publication No. 2000-091982
2. Japanese Unexamined Patent Application Publication No. 2000-023230
3. Japanese Unexamined Patent Application Publication No. H04-051797"

Applicant's statements regarding the Japanese Office Action are based on a partial translation that Applicant's representative obtained. These statements should in no way be considered as an agreement by Applicant with, or an admission of, which is asserted in the Japanese Office Action.

Applicant respectfully request that the listed documents be considered by the Examiner and formally be made of record in the present application and that an initialed copy of Form-SB08 be returned in accordance with MPEP §609.

Respectfully submitted,

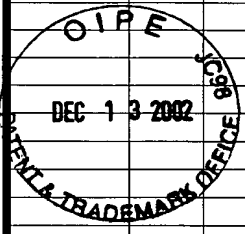
December 13, 2002
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Substitute for form 1449B/PTO				Complete if Known	
INFORMATION DISCLOSURE STATEMENT BY APPLICANT				Application Number	09/866,796
Date Submitted: December 13, 2002				Filing Date	May 30, 2001
(use as many sheets as necessary)				First Named Inventor	Kanada NAKAYASU
Sheet 1 of 1				Group Art Unit	2661
				Examiner Name	Unknown
				Attorney Docket Number	037267/0138

U.S. PATENT DOCUMENTS						
Examiner Initials*	Cite No. ¹	U.S. Patent Document		Name of Patentee or Applicant of Cited Document	Date of Publication of Cited Document MM-DD-YYYY	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		Number	Kind Code ² (if known)			
						

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FOREIGN PATENT DOCUMENTS								
Examiner Initials*	Cite No. ¹	Foreign Patent Document			Name of Patentee or Applicant of Cited Documents	Date of Publication of Cited Document MM-DD-YYYY	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear	T ⁶
		Office ³	Number ⁴	Kind Code ⁵ (if known)				
	A1		4-51797		JAPAN	02/20/1992		X
	A2		2000-23230		JAPAN	01/21/2000		X
	A3		2000-91982		JAPAN	03/31/2000		X

OTHER PRIOR ART - NON PATENT LITERATURE DOCUMENTS			
Examiner Initials*	Cite No. ¹	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.) date, page(s), volume-issue number(s), publisher, city and/or country where published.	T ⁶

Examiner Signature	Date Considered
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*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

¹ Unique citation designation number. ² See attached Kinds of U.S. Patent Documents. ³ Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). ⁴ For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. ⁵ Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST. 16 if possible. ⁶ Applicant is to place a check mark here if English language Translation is attached.

Burden Hour Statement: This form is estimated to take 2.0 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, D.C. 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, D.C. 20231.